

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JAMES S. HAWKINS-EL III and  
VALERIE GASTON,

Civil Action No. CV-05-3222  
(LB) (DLI)

Plaintiffs,  
v.  
AIG FEDERAL SAVINGS BANK,

**NOTICE OF MOTION BY DEFENDANT  
TO DISMISS COMPLAINT PURSUANT  
TO FED. R. CIV. P. 12(B) (6)**

Defendant.  
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**SIR AND MADAM:**

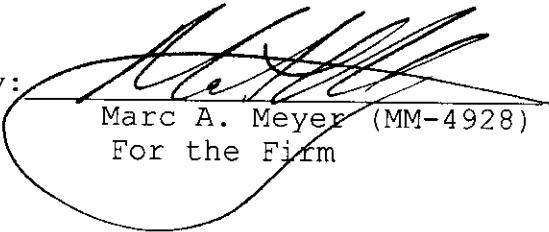
**PLEASE TAKE NOTICE** that on September 8, 2005, at nine o'clock in the forenoon or as soon thereafter as counsel may be heard, the undersigned, attorneys for Defendant AIG Federal Savings Bank, will move before the Honorable Dora L. Irizarry, U.S.D.J., at the United States District Court, Eastern District of New York, at 225 Cadman Plaza East, Brooklyn, New York, for an Order dismissing plaintiffs' complaint pursuant to Federal Rule of Civil Procedure 12(b) (6); and

**PLEASE TAKE FURTHER NOTICE** that in support of the within motion, Defendant AIG Federal Savings Bank, shall rely upon the Memorandum of Law, submitted in support of its motion; and

**PLEASE TAKE FURTHER NOTICE** that at the time and place aforesaid, Defendant AIG Federal Savings Bank will request that the proposed form of Order submitted herewith be entered by the Court.

PITNEY HARDIN LLP  
Attorneys for Defendant  
AIG FEDERAL SAVINGS BANK

By:

  
Marc A. Meyer (MM-4928)  
For the Firm

DATED: New York, New York  
July 25, 2005

TO: James S. Hawkins-El III and Valerie Gaston  
Pro Se Plaintiffs  
159 Bch 97<sup>th</sup> Street  
Rockaway Beach, New York